IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 6696 of 2004(V)

PETITIONER:

FRANKLIN BRUCE, J & P QUARTERS,
FINISHING DPT, KORATTY, NOW RESIDING AT BRUSSELS,
CHANGANACHERRY.

BY ADV. SRI.WILSON URMESE

RESPONDENTS:

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1. FLASSY ALBIN, THATTAPPILLA THOPPU PUTHEN VEEDU, THEKKE KOLLAMCODE, POZHIYOOR DESOM, KULATHOOR VILLAGE.

2. FLOSSY ALBIN MARY VIOLET FRANSPAR, HOUSE NO.K.P. 8/309, THEKKE KOLLAMCODE, POZHIYOOR DESOM, KULATHOOR VILLAGE.

3. FLOSSY ALBIN SILVI GOMEZ, THEKKE KOLLAMCODE, POZHIYOOR DESOM, KULATHOOR VILLAGE.

4. GLADEESE ALBIN, THEKKE KOLLAMCODE, POZHIYOOR DESOM, KULATHOOR VILLAGE.

5. KURISU PILLA VINCENT, PALLIVILAKOM PURAYIDOM OF THEKKE KOLLAMCODE, POZHIYOOR DESOM, KULATHOOR VILLAGE.

6. ALBIN MARY ASSANATHA VINCENT OF THEKKE KOLLAMCODE, POZHIYOOR DESOM, KULATHOOR VILLAGE.

7. RUBIYO GLADEES SABIYOLA ROBERT MENDAS @ MOLLY, BRUSSELS HOUSE, VAZHAPPALLY,KIZHAKKUMBHAGOM MURI, VAZHAPPALLY VILLAGE, CHANGANACHERRY.

8. EDWIN BROOSE, BRUSSELS HOUSE, VAZHAPPALLY KIZHAKKUM MURI, VAZHAPPALLY VILLAGE, CHANGANACHERRY.

9. JUSTIN BRUCE, BRUSSELS HOUSE,
KIZHAKKUMBHAGOM MURI, VAZHAPPALLY, CHANGANACHERY TALUK.

10. MERLIN XAVIER MENDAS, XAVIER MENDAS @ CO MPANY, PATTOR JUNCTION, VANCHIYOOR, THIRUVANANTHAPURAM.

11. FILEESE BROSSE, BRUSSELS HOUSE,
VAZHAPPALLY, KIZHAKKUMBHAGOM MURI, CHANGANACHERY VILLAGE.

BY ADV. SRI.M.RAJASEKHARAN NAYAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 6696 OF 2004

Dated this the 21st day of June, 2007

JUDGMENT

Ext.P2 order passed by the execution court over ruling the objections filed by the petitioner-judgment debtor to the execution of a decree for redemption confirmed by this Court in Second Appeal is under challenge. I do not find any infirmity in Ext.P2 warranting correction under Article 227. More over the counter affidavit sworn to by the decree holder will show that pursuant to order of delivery passed by the court on 17.02.2004, even 10 days prior to the institution of the writ petition, the property was delivered to the decree holder and the execution petition was closed. The learned counsel for the decree holder asserted before me that the decree holder is in possession of the decree schedule property. The Writ Petition obviously has become infructuous and is dismissed on that basis.

PIUS C. KURIAKOSE, JUDGE

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